

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>HOWARD GORRELL,</b>	:	
<b>Plaintiff</b>	:	
<b>v.</b>	:	<b>CIVIL ACTION NO. 3:07-2247</b>
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	:	<b>(CAPUTO, D.J.) (MANNION, M.J.)</b>
<b>Defendant</b>	:	

**REPORT AND RECOMMENDATION**

This is a social security disability case brought under 42 U.S.C. §405(g) challenging the Commissioner's final decision denying the plaintiff's claim for benefits. The plaintiff, proceeding *pro se*, initiated this civil action by a complaint filed on December 12, 2007. (Doc. No. 1). In addition, the plaintiff filed a motion to proceed *in forma pauperis*. (Doc. No. 2). A Procedural Order for Social Security Appeals was issued that same day. (Doc. No. 4).

In reviewing the file, the court notes that the plaintiff resides in Mount Airy, Maryland. Section 405(g) provides that venue is proper only in the district where the claimant resides. As such, the instant action would more properly be before the United States District Court for the District of Maryland.

On the basis of the foregoing, **IT IS RECOMMENDED THAT:**

1. The plaintiff's motion to proceed *in forma pauperis*, (**Doc. No. 2**), be **GRANTED** for purposes of proceeding in the Middle District of Pennsylvania; and
2. The action be transferred to the United States District Court for the District of Maryland where the plaintiff resides.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States Magistrate Judge**

Dated: January 7, 2008

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